



**MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
APRIL 08, 2003**

PRESENT: David Gulino, Chairman
James Heitel, Commissioner
Kay Henry, Commissioner
Tony Nelssen, Commissioner
Kevin Osterman, Commissioner
Steve Steinberg, Commissioner

STAFF: Pat Boomsma
Randy Grant
Kurt Jones
Jerry Stabley
Gary Meyers
Tom Curtis
Bill Exham
John Little
Phil Kercher
Al Ward

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COMMISSIONER OSTERMAN read the opening statement which describes the role of the Planning Commission and the procedures used in conducting this meeting.

APPROVED

MINUTES APPROVAL

March 25, 2003

COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE MARCH 25, 2003 MINUTES AS PRESENTED. SECOND BY COMMISSIONER HENRY.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

1-ZN-2003 (Fairmont Scottsdale Princess Expansion) request by Wolff Di Napoli LLC, applicant, Arizona State Land Department, owner, to rezone 34+/- acres from Planned Community District (PCD) with Commercial Office (CO) comparable uses to a Planned Community District (PCD) with Central Business (C-2) comparable uses, with amended standards and amend the development plan for the Princess Resort, for property located near the southeast corner of Scottsdale Road and Princess Boulevard.

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

VICE CHAIRMAN STEINBERG inquired if there are any plans to widen Princess Road. Mr. Curtis replied in the negative. Vice Chairman Steinberg stated it has a regional significance from a transit point of view. Mr. Kercher stated the concern that was expressed about widening Princess had to do with the State Land Department desire to create a loop road in this area around the freeway Scottsdale Road interchange. What they have done through some zoning cases in this area the plan would take Princess and curve it north along the Miller Road alignment take it under the freeway and connect it back to Scottsdale Road. This plan is consistent with that.

BETTY DRAKE, applicant, stated she felt the staff did a good job introducing the application. She further stated in August 2002 they acquired a 99-year lease on the land from the State Land Department. As the area has been under development from the north of the freeway and to the west in Phoenix the hotel and the residential community both expressed concern about protecting themselves and creating a buffer to extend the character of the existing community and allow for future expansion of the hotel consistent with what they have. They also have to compete in terms of meeting space with the new hotels in the City of Phoenix. This application would allow them to get rid of the tent in the parking lot syndrome, which would make everyone happy.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

CATHERINE BALZANO, Arizona State Land Department, stated she is here to support the application and represent the State Land Department. She further stated the land uses in the rezoning are in agreement with the State's lease. She remarked she is glad the City of Scottsdale is still very interested in their transit concept. They believe that this is an important element to the vitality of this regional focal point both on the Scottsdale side and on the Phoenix side. They want the Princess Hotel and the

APPROVED

residents in the adjacent communities to participate in a collective effort to make this a wonderful place. Whether you live there, work there, or just go for a one-time event.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

CHAIRMAN GULINO requested the Applicant paint a broad-brush picture of the type of development they would see there under the current zoning and what they envision with the approval of this case. He also requested additional information of the potential problems for traffic congestion. Ms. Drake provided an overview of the types of development that would occur. She noted this is a strongly pedestrian oriented plan with lots of open space and walking paths to tie into the rest of the hotel property. She further noted they have a strong commitment to maintaining the character and quality of the design through out this whole process. It will be consistent with the character of what is out there now. She remarked with regard to the traffic impacts they filed a complete traffic study with the City. Based on the comparisons to what was approved versus what is proposed they are looking at a reduction of 41 percent in the overall traffic. She reported they held several open houses and so far have had excellent support from the community around them.

COMMISSIONER NELSEN stated there was not an economic analysis required. He inquired if they had any quantitative comparison between the existing and proposed land use in terms of the potential impact to the City budget.

JOHN BERRY, 4800 N. Scottsdale Road, stated the proposed use has a much more positive impact on the citizens of Scottsdale because it reduces traffic and it will have a positive impact with additional bed tax dollars, retail dollars and sales tax dollars in stead of office.

COMMISSIONER OSTERMAN stated he was pleased to see the Fairmont Princess is moving forward to stay competitive and keep itself at a premiere spot in the hotel industry. It is a great use for the land surrounding it.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 1-ZN-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY VICE CHAIRMAN STEINBERG.

COMMISSIONER OSTERMAN stated he felt it was a fabulous fit for that particular piece of land and he strongly supports the case.

CHAIRMAN GULINO stated this projects looks to be an improvement over what is existing he will also support this case.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

2-UP-2003 (C.A.P. Basin Park) request by City of Scottsdale - Parks Department, applicant/owner, for municipal use master site plan for a City park on 80+/- acres located at the northeast corner of Hayden and Bell Roads with Townhouse Residential, Planned Community Development (R-4 PCD) zoning.

MR. WARD presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

BILL EXHAM, Community Service Department, General Manager, provided background information on this site. He provided an overview of the community involvement that has occurred. He also provided an overview of the park master plan.

COMMISSIONER NELSEN inquired if there would be police presence at the park. Mr. Exham stated there would not be a regular police presence at the park. It would be just like their typical parks where the police beat officer will stop by regularly.

Commissioner Nelsen stated regarding the two fields on Bell Road and Hayden he inquired if there was any thought given to providing intermediate lighting levels so they could be used as practice fields. Mr. Exham stated if they light the field it has to be to the full standards because if someone gets hurt and there are not adequate lights on the fields there could be a lawsuit. Mr. Meyers stated throughout the public input process the neighbors made it clear regarding their concerns about other lighted amenities. Commissioner Nelsen stated he felt the kids would use those fields regardless if they are lighted to the full lighting standards. Mr. Exham noted there will be lights around the pathway system. He further noted the reality is there was a lot of concern regarding light and that is why only some of the fields will be lit.

Commissioner Nelsen stated he felt this park is needed and should move forward but there are some issues that could be tweaked as it goes through the process.

Commissioner Nelsen inquired how the turf will be remedied from cars parking on it when it is wet. Mr. Exham stated good drainage will be built into these fields. The reality is when they get rain they could have some difficulties so the plan is after the Phoenix Open they will leave some time open for maintenance so they can get the turf back into shape. He noted the fields will be designed as best they can to accommodate for that.

Commissioner Nelsen stated the report indicates that different water would be used for the trees. He inquired why they would use different water for the trees than the grass. Mr. Exham stated he asked the same question and he was told that if the CAP water is put through the drip system it will clog those systems.

VICE CHAIRMAN STEINBERG inquired if there was any historical data that would substantiate that a facility like this one would enhance real estate values versus detract from real estate values. Mr. Exham stated there are a variety of nationwide studies that show that parks, trails, and those types of amenities do not reduce property values.

JOHN LITTLE, Transportation Department, General Manager, provided an overview of the circulation plan and transportation issues with regard to this proposal.

MR. MEYERS reviewed the next steps. He stated from here they will go to City Council probably in June for the master plan process and then to the DR Board some time in the summer. Go out to bid on this project in late fall early winter so the bid can be awarded by Council in about December so the construction can begin after the Phoenix Open so

the project will be completed by November of next year so it will be ready for the following Phoenix Open.

Mr. Meyers provided additional information regarding the Phoenix Open parking and delivery to this site.

COMMISSIONER NELSEN stated it was indicated the primary access to the lot is on the north. He inquired if there was any secondary or tertiary access. Mr. Meyers stated the primary access is off of Princess Drive there is limited access coming in off of Hayden from the south. He reviewed the primary delivery routes for the vehicles. It is well designed so there is not a lot of vehicle conflict. Commissioner Nelsen expressed his concerns regarding there only being one primary access. He stated there would be traffic backed up on Princess trying to get in and out of the lot.

JOHN BARKER, EDC, landscape architect, stated they have been working with the Thunderbirds on the parking system for the last two years. He presented information on how it is done currently. He presented information on the way the parking operates. He noted there is not a big in flux of cars in at one time. The bigger concern is exiting after the open. This plan would allow additional exit points to the north to the 101 along with Princess to the east.

COMMISSIONER NELSEN stated there are a lot of terms used with when dealing with traffic volumes like adequate. He inquired what happens if there is an emergency and adequate is not good enough. Mr. Barker stated they felt with this plan when the park is laid out appropriately they will have better control better designation of where they are parking than they do right now. With the plan, they will be able to formulate an emergency plan. He further stated there is no real access cutoff anywhere if an emergency vehicle needs to get somewhere that could happen. Commissioner Nelsen stated he felt there needs to be more study done on this. Mr. Exham stated the people running the Phoenix Open and the parking and planning have worked to make this best solution. The Police responsible for managing the site as well as the Thunderbirds have all been involved and they felt this plan works with this site and would accommodate the parking. Mr. Meyers stated he would remind the Commission there are other access driveways as well.

COMMISSIONER HENRY stated the City needs this park because they have heard there are shortages of sports fields and soccer fields and is a real big problem in the City. She stated last year the city turned away 120 adult sports teams because there were no fields so she assumes this will take care of some of the problems they have now. She inquired about the long-range plan as far as they have shortages today and what happens in 2020. Mr. Exham stated this is not the total solution to the lack of field time. Down the road they have several facilities that have been identified and funded for additional fields that will be coming on in addition to this park if it is approved. He reviewed the areas that have already been identified.

VICE CHAIRMAN STEINBERG stated he felt it might become an attractive nuisance where the kids would try to cross the street rather than use the bridge. He inquired if there has been any thought given to moving the park further down south and doing a ring road around the park and getting rid of the road down the middle of park. Mr. Meyers stated he does not think they discussed that particular approach. He presented

information on what they are doing to keep people safely out of the road and discouraging people from running across. With creative landscaping and fencing and the sidewalk design, they can encourage everyone to use the safe crossing. Vice Chairman Steinberg stated it is not ideal and they are taking two acres to go through in that manner plus a million dollars to depress the road. It looks beautiful in concept but he is nervous about it from a safety point of view. He further stated his hope was on the previous site plans they might have looked at a ring road or loop road around versus going through the park so they would have one park in tact versus two halves. Mr. Kercher stated they looked at that as one of the early options. The traffic projections show anticipated demand of 12,000 vehicles per day so if they did not have that connection that traffic would be rerouted on some other streets to get from east of this area to Greenway Hayden and would likely put a lot more traffic on 82nd Street and Perimeter Drive that were not designed to accommodate that additional traffic.

COMMISSIONER HEITEL inquired if there is only one access point to the retention basin. Mr. Meyers stated he was showing as the primary means of access but the reality is that all of those ramps could be used as emergency egress. All of the ramps are designed to be driveable so virtually all corners of the basin have egress leading to the driveway so if you need to get out of there in a hurry you can find egress.

COMMISSIONER NELSEN stated if the ramps are driveable he inquired if they are going to discourage other types of wheeled events in this facility. Mr. Meyers stated they can use textured pavement to discourage skateboarders because they like a smooth surface.

CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

EUGENE CLAYMAN, 177368 N. 77th Way, stated they have presented a beautiful picture today but there are some things that just are not right. He further stated one of his concerns is about the basin where all the water is suppose to drain the City of Scottsdale has no current flood control area. Secondly, they have said the parking lot for the Phoenix Open is easily repairable. If it rains it is a mess and cannot just be over seeded and the problem is taken care of. If the soccer fields are not maintained their property values would go down. He noted he does not believe this will enhance their property values. There is no operating budget for this facility. Thirdly, they have not talked about the safety of the children and how they will keep the children from going into the street on Hayden Road. Lastly, they have cut the property owners in the Princess View from entering their area from the west.

PEDRO ROMEIRO, 9035 N. 128TH Street, spoke in support of this case. He stated he felt this is a wonderful plan. It is a facility that is needed for our community and that neighborhood. He further stated he has been a resident of Scottsdale for 23 years and has been involved in youth and adult sports. He noted there have been various users groups that are going to be using this facility and have agreed to help the city maintain the facility properly. He further noted with regard to the lights he felt the safety issue was overstated because kids will play in the dark if there is not enough room. He remarked he would encourage that lights would be placed there. He further remarked with regard to property values he has owned several homes in Scottsdale and they have

always looked for homes near a park so the children could play. He concluded there is a shortage of parks in Scottsdale.

VICTORIA THOMAS, 9035 N. 128TH Street, stated these soccer fields are well overdue. She further stated she would love them all to be lit but she understands the residents concerns. She commented she is involved in youth and adult soccer and they often have played in overlay fields at night when you have eight teams sharing one field and it is a dust bowl. She further commented there is another field that is against Hayden Road and there is not a problem with the kids running into the road. She requested that they move this forward.

HERBERT SMITH, 7734 E. Monica Drive, stated there are issues that they have brought up in other meetings that need to be addressed. He expressed his concerns about the lighting and the noise. He inquired if they would guarantee the lights will go off at 10:30 p.m. He noted he has not seen anything regarding where the cost of maintenance is coming from. He further noted they cannot get back to their home from the 101 that access has been cut off.

JIM ROTH, 8245 E. Bell Road, stated he is pretty much in favor of the park. There are three things that are of concern. The biggest issue is traffic. They are talking about 600 trips per hour on the weekend. He also expressed his concern that they refuse to consider a traffic signal at 82nd Street and Bell. It is a zoo right now. The other concern is noise. He noted he hopes they are planning to consider noise. He requested that they not light those other fields because they are right in their face.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

CHAIRMAN GULINO stated issues regarding the operating budget are not within the purview of this Commission. He requested they save those issues for the City Council.

MR. KERCHER addressed the comment about not being able to enter the Princess community from the east and the freeway the solution was developed with the representatives of the Princess Community. He noted this solution only restricts the westbound movement and there are other alternative routes to enter the community. He reported in terms of trip generation the report looked at the worst case scenario. He remarked in terms of the signal at 82nd Street they would not say that they would never consider a traffic signal at the intersection but they did not want to study it at this time because of the construction activities.

MR. EXHAM stated if there is rain and the fields need to be repaired they will be repaired and there is money in the budget. He further stated this is not something that would be happening every weekend this would be once a year. He commented on the noise control measures that will be in place. He reported the field has been designed so that kids will not go into the street.

MR. MEYERS outlined the measures that are being taken to keep kids from going into the street. He stated he felt the proposed combination of fencing and landscaping would adequately address that issue.

CHAIRMAN GULINO inquired what time the lights would be turned off. Mr. Meyers stated typically parks close at 10:30 and the lights are turned off what they have asked for in the stipulations is an allowance for them to stay on until 11:00 to allow the game to wrap up. He further stated the lights will be on timers.

MR. EXHAM stated the fields will be properly maintained and should not effect the property values in this area.

VICE CHAIRMAN STEINBERG stated because of the proximity of this park to a very affluent area he inquired if there was anyway to put in a police substation to maintain the security at night. He also inquired if there is any plan to incorporate mass transit into this plan. Mr. Exham replied there is not intention at this time to have a police substation at this site. There will be a regular beat police officer checking this area. Mr. Little stated they have not discussed incorporating mass transit into this site.

CHAIRMAN GULINO inquired if they are changing the flood control characteristics of this basin. Bill Erickson, Food Plain Administrator for the City, replied in the negative. This basin would replace volume that was displaced when they built Hayden Road between the two golf courses. He stated the basin is owned by the BOR and there is a 404 permit on it by the BOR.

COMMISSIONER NELSEN stated he felt this is an appropriate and desirable land use. He further stated he felt there are several issues that still need to be addressed that will go on to City Council. He remarked with regard to his colleague's statement he felt all neighborhoods need police protection not just affluent ones. He further stated they might want to make a provision for a staffing office that police have keys to. He concluded he will support this request. It has been a long time in the process. This is a good plan but there are still a few wrinkles but he felt they can come to a compromise before this is finally approved.

COMMISSIONER OSTERMAN stated he fully supports this request. It is a good land use. He further stated with regard to police coverage the District 3 Police Station is about a mile down the road at DC Ranch so there is close police station if they need it for any reason.

COMMISSIONER HEITEL stated he supports this plan. He further stated the plan is sensitive to the neighbors and addressed the concerns of the community in this area for sorely needed soccer fields. He remarked his hat is off to the City for putting together a very good workable plan.

VICE CHAIRMAN STEINBERG stated he supports this plan. He further stated he felt it is a very ambitious plan. He remarked he wants to take his hat off to the city staff who has been very accommodating to the requests of the residents. He further remarked there is never going to be a win/win situation but he thought this will prove to be as Indian Bend Wash has in due time. There have been compromises made that have him concerned but he felt in due time he would be proven wrong. He concluded he felt this will be a major asset to this wonderful little area. Compared to what is there now this is a major improvement.

COMMISSIONER HENRY stated she supports this plan. She further stated they need it. She remarked she would commend everyone that has worked on this to make it a plan most everyone is agreeable with. She further remarked she knew they would never please everyone and some people will have a problem with it especially people who live close by. She reported once the construction is completed on Princess Drive the Traffic Department needs to watch the traffic on Bell Road and 82nd Street to determine if there is the need for a traffic light.

CHAIRMAN GULINO inquired about the dimensions of the field. Mr. Meyers provided information on the dimensions of the field.

Chairman Gulino stated he would assume the overflow of the lights will be minimized. Mr. Meyers replied in the affirmative.

Chairman Gulino inquired about the timing of the Hayden Road connection. Mr. Little stated the target date is end of April Beginning of May.

Chairman Gulino stated relative to fencing and keeping soccer balls and kids out of the street there are other facilities near streets with fences and it does not seem to create a problem. He suggested they add a stipulation that the DR Board pay particular attention to the method for fencing this property off. They might want to use a mesh fence rather than a chain link fence. Relative to the Princess Drive westbound traffic one thing that jumped out at him that anyone who wants to go into that area can't based on the control plan. He suggested maybe they add a stipulation that DR Board go back and visit that again. Mr. Little stated this plan is reflective of the desires of the Princess Resort and the HOA.

COMMISSIONER OSTERMAN MOVED TO FORWARD CASE 2-UP-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL BASED ON THE FACT IT MEETS THE CITY OF SCOTTSDALE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

NON-ACTION ITEM

Discussion of drainage issues related to Environmentally Sensitive Lands Ordinance (ESLO).

MR. GRANT stated Council approved the latest update to ESLO on April 1, 2003. Council requested review of additional issues:

- Drainage/connection of Drainage to ESLO issues
- Legal basis for Natural Area Open Space
- Perimeter Walls
- Building Envelopes
- Wildlife Corridors Density Bonus
- Boulder feature protection
- Types of Development that might occur

Mr. Grant reviewed the schedule to prepare amendments for Council consideration. The purpose of this evening is for the Planning Commission to provide staff with feedback on how they anticipate to best address these issues.

COMMISSIONER HEITEL inquired if it would be appropriate for staff to bring the amendments back to the Planning Commission for their review before they are moved along to City Council. Mr. Grant replied that was their intent.

MR. GRANT presented information regarding drainage issues related to the Environmentally Sensitive Lands Ordinance. He discussed the special circumstances in the ESL areas. He presented information on the wash characteristics. He reviewed the special considerations in the ESL area. He noted the drainage ordinance and the ESL ordinance are complimentary.

COMMISSIONER NELSEN asked a series of questions regarding density bonuses. He asked why you should get a density credit for a wash area that is not buildable. Mr. Grant provided information regarding the situation when density credits would be given. Mr. Grant said most projects have not requested density bonuses for single-family residences. Commissioner Nelsen stated he felt the terrain should drive the design of the lots. If the property has a major wash then the project should be designed to the land because of the drainage issues. He stated his concern is about density credits for parcels of land that have large drainage areas across them. He remarked that his point is if you want to build in the wash area, you have to get your engineers and architects to build something that meets the drainage issues. These are considerations to make before investing in a piece of property. One should not assume by right there will be density bonuses. Chairman Gulino stated so what you are saying is that you don't think transfer mechanisms should be given on parcels that are severely impacted by drainage. Commissioner Nelsen stated he does not think it should be by right and should not be rubber-stamped. There are scenarios where it would be appropriate and other areas where it would be less appropriate.

MR. GRANT provided information on the issue of fences and walls.

CHAIRMAN GULINO stated he would like them to step back and get practical about the wall issue. He further stated that he would like staff to look at what they are doing to keep people from creating a drainage problem by building a block wall where water historically falls. He noted he felt they are beating to death the issue that you don't go higher than three feet and ignoring under three feet and he does not know if that serves their purpose.

COMMISSIONER HEITEL stated the disconnect he is having is regarding the drainage ordinance in the ESL area where people are being allowed to block off the washes in the desire to block off their entire community and in some cases actually creating retention basins with walls.

MR. GRANT provided information on the building envelopes in the ESL areas.

CHAIRMAN GULINO stated he is very opposed to putting an envelope on a plat of any size lot. He further stated with ESL and everything else they are taking more and more flexibility away from people who are buying lots and building homes there. People need the ability to site their homes where they want to. He remarked he felt they were creating a burden for staff because of the fact that they will get a lot of adjustments. He commented he is a big believer in property rights. He further commented don't get him wrong he would like to preserve as much desert as they can. He noted he felt they are getting a little over regulated with ESL 2 but here is also justification for it.

COMMISSIONER NELSEN stated one of the reason we have ESLO is because they did not have sensitive development in too many cases and ESLO 2 is what ESLO should have been but no one had the guts to put forward in the first place.

Commissioner Nelsen inquired if there was any chance they could look at lighting standards. It was an issue with ESLO but did not get on the list the Council asked for.

Commissioner Nelsen stated back to the issue of density credits he felt it would be appropriate to give credits if they allow access across the drainage easements i.e. trails. It will not be appropriate everywhere but in some places, it is.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

HOWARD MEYERS, 6631 E. Horned Owl Road, stated one of the key issues it to try and get the drainage ordinance and ESLO working together to solve the drainage problems and accomplish the goals of ESLO at the same time. He expressed his concerns regarding block walls that are being put up that impede the water flow around a development and the impacts it has up stream and down stream.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

MR. GRANT provided an overview on the legal basis for NAOS. He provided additional information on density credits. He reported the Flood plain regulation and ESLO can work together to provide for the health, safety, and welfare while preserving the environment and culture of Scottsdale.

CHAIRMAN GULINO stated the process is for staff to draft amendments to be presented to Council. He requested that staff bring those amendments back to the Planning Commission for their review before they go to Council. He further stated if the Commission has any further comments between now and July to contact staff.

COMMISSIONER HEITEL requested further information on the gap between the ESL ordinance and the drainage ordinance. Mr. Erickson stated he did not think there was any real conflict between the two ordinances. He noted the ordinance does indicated that you can't block a wash.

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 8:09 p.m.

Respectfully Submitted,

"For the Record " Court Reporters

APPROVED